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# Supreme Court of the United States

**No. 14-556**

JAMES OBERGEFELL, *et al.*, and BRITTANI HENRY, *et al.*,

*Petitioners,*

—v.—

RICHARD HODGES, Director,
Ohio Department of Health, *et al.*,

*Respondents.*

*(Caption continued on inside cover)*

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

## BRIEF FOR *AMICI CURIAE* PRESIDENT OF THE HOUSE OF DEPUTIES OF THE EPISCOPAL CHURCH AND THE EPISCOPAL BISHOPS OF KENTUCKY, MICHIGAN, OHIO, AND TENNESSEE; GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST; JEWISH THEOLOGICAL SEMINARY; RECONSTRUCTIONIST RABBINICAL ASSOCIATION; RECONSTRUCTIONIST RABBINICAL COLLEGE AND JEWISH RECONSTRUCTIONIST COMMUNITIES; UNION FOR REFORM JUDAISM; UNITARIAN UNIVERSALIST ASSOCIATION; UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM; AFFIRMATION; COVENANT NETWORK OF PRESBYTERIANS; FRIENDS FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER CONCERNS; METHODIST FEDERATION FOR SOCIAL ACTION; MORE LIGHT PRESBYTERIANS; MUSLIMS FOR PROGRESSIVE VALUES; THE OPEN AND AFFIRMING COALITION OF THE UNITED CHURCH OF CHRIST; PARITY; RECONCILING MINISTRIES NETWORK; RECONCILING WORKS: LUTHERANS FOR FULL PARTICIPATION; RELIGIOUS INSTITUTE, INC.; AND 1,900 INDIVIDUAL FAITH LEADERS IN SUPPORT OF PETITIONERS AND IN FAVOR OF REVERSAL

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**No. 14-562**

VALERIA TANCO, *et al.*,

*Petitioners,*

—v.—

BILL HASLAM, Governor of Tennessee, *et al.*,

*Respondents.*

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**No. 14-571**

APRIL DEBOER, *et al.*,

*Petitioners,*

—v.—

RICK SNYDER, Governor of Michigan, *et al.*,

*Respondents.*

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**No. 14-574**

GREGORY BOURKE, *et al.*, and TIMOTHY LOVE, *et al.*,

*Petitioners,*

—v.—

STEVE BESHEAR, Governor of Kentucky, *et al.*,

*Respondents.*

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## INTERESTS OF *AMICI CURIAE*[1]

*Amici curiae* ("*Amici*") comprise a broad range of religious groups, organizations, and leaders (including nearly 2,000 individual clergy) who support equal treatment for same-sex couples with respect to civil marriage. While *Amici* come from faiths that have approached issues affecting lesbian and gay people and their families in different ways over the years, they are united in the belief that, in our vastly diverse and pluralistic society, particular religious views or definitions of marriage should not be permitted to influence which couples' marriages the state recognizes or permits. Such rights must be determined by religiously neutral principles of equal protection under the law.

The interests of each of the organizational *Amici*, and a complete list of individual *Amici*, are set forth in Appendix A to this brief.

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[1] Pursuant to Supreme Court Rules 37.3 and 37.6, all parties have consented to the filing of this *amicus curiae* brief: A letter of consent to the filing of this *amicus curiae* brief was filed by the Petitioners in these matters with the Clerk of the Court and a blanket consent for the filing of *amicus curiae* briefs has been given by Respondents in these matters. No counsel for a party authored this brief in whole or in part, and no counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. In addition, no persons or entities other than *Amici*, their members, or their counsel made a monetary contribution to the preparation or submission of the brief.

## INTRODUCTION AND SUMMARY OF ARGUMENT

Over a century and a half ago, Alexis de Tocqueville reflected on the central role of religion in the birth of the English colonies in America and its "peculiar power" in the cultural life of the United States, while simultaneously observing the necessary corollary that lies at the heart of religious freedom: "In America religion has, if one may put it so, defined its own limits. There the structure of religious life has remained entirely distinct from the political organization. It has therefore been easy to change ancient laws without shaking the foundations of ancient beliefs."[2]

Tocqueville's reflection bears directly on the cases before this Court. By historical and legal tradition, American pluralism extends to religion and its expression. *Amici* here embrace and embody that pluralism and bear witness to the diversity of religious viewpoints on marriage across various faiths and denominations. Certain Respondents and/or *amici* supporting them in the proceedings before the Court of Appeals would justify a state's refusal to permit same-sex couples to marry, or to recognize such couples' valid out-of-state marriages, in part based on certain religion-premised beliefs with respect to marriage.[3] Others invoke amor-

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[2] Alexis de Tocqueville, *Democracy in America*, Vol. II, Part 1, Ch. 1, at 432 (J.P. Mayer ed. (1969), George Lawrence trans. (1966), First Harper Perennial Modern Classics (2006)) (paragraph break omitted).

[3] *See, e.g.*, Br. of the Coalition of Black Pastors from Detroit, Outstate Michigan, and Ohio as *Amici Curiae* Supporting Defendants-Appellants at 1, *DeBoer, et al. v. Snyder, et al.*, No. 14-1341, 6th Cir. ("*DeBoer*") (May 15,

phous concerns about "religious liberty."[4] *Amici* here submit that reversal of the judgments below would in fact be consistent with fundamental principles of both equal protection and religious freedom.

The American religious panorama embraces a multitude of theological perspectives on lesbian and gay people and their intimate relationships. A vast range of religious perspectives affirms the inherent dignity of these women and men, their relationships, and their families. This affirmation reflects the deeply rooted belief, common to many faiths, in the essential worth of all individuals and, more particularly, the growing respect accorded within theological traditions to same-sex couples. Thus, some faiths celebrate same-sex couples'

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2014) (urging reversal to support "2.7 million citizens of Michigan who cast their vote and enacted the Michigan Marriage Amendment to secure the sanctity of the traditional family, as it is defined by God in the Bible"); Br. *Amicus Curiae* of Public Advocate of the United States, *et al.*, in Support of Appellants and Reversal at 30-32, *DeBoer* (May 15, 2014) (citing biblical definitions of marriage).

[4] *See* Br. of Appellant Lance D. Himes at 16, 50, *Obergefell, et al. v. Himes*, No. 14-3057. 6th Cir. ("*Obergefell*") (Apr. 10, 2014) (suggesting that "desire not to alter the definition of marriage without first taking steps to consider religious liberty issues" would be sufficient rationale for Ohio's failure to recognize same-sex couples' out-of-state marriages); *see also, e.g.*, Br. *Amicus Curiae* of The Becket Fund for Religious Liberty in Support of Defendants-Appellants and Reversal at 4-27, *DeBoer* (May 13, 2014) (arguing that "according legal recognition to same-sex marriage without robust protections for religious liberty will trigger wide-ranging church-state conflict"); Br. of *Amicus Curiae* North Carolina Values Coalition and Liberty, Life, and Law Foundation in Support of Defendants-Appellants and Reversal at 24-28, *DeBoer* (similar).

marriages identically to those of different-sex couples. Others solemnize same-sex relationships in ways other than marriage.

Faiths embracing same-sex couples—both theologically and with respect to the distinct issue of equality under civil law—participate in the mainstream of American religious observance. They include Mainline Protestant denominations such as the United Church of Christ, the Episcopal Church, and the Presbyterian Church; the Unitarian Universalist Church; portions of the Religious Society of Friends (Quakers); and Judaism's Reform, Reconstructionist, and Conservative movements. Millions of religious individuals from other faiths also embrace and celebrate same-sex couples, including members of many other Mainline and Evangelical Protestant denominations, Roman Catholics, Mormons, Orthodox Jews, and Muslims. This grand mosaic includes millions of Kentucky, Michigan, Ohio, and Tennessee citizens of diverse faith backgrounds, many of whom today celebrate and embrace equal rights for same-sex couples and their families. *Amici* who are faith leaders in these states, and throughout our nation, are also a testament to the growing embrace of equality within mainstream American religion.

Eliminating discrimination in civil marriage will not impinge upon religious doctrine, conscience, or practice. All religions would remain free—as they are today with thirty-seven states and the District of Columbia permitting same-sex couples to marry—to define *religious* marriage in any way they choose. Nor would reversal interfere with religious institutions' or individuals' other constitutionally protected speech or activities, as forecast by certain *amici* that have supported

Respondents.[5] The types of conflicts anticipated already can and sometimes do arise under public accommodation and employment laws whenever religiously affiliated organizations or religious individuals operate in commercial or governmental spheres. Courts know how to respond if civil rights law enforcement infringes First Amendment rights. Other Respondent *amici* have argued that permitting civil marriages of same-sex couples would gut longstanding definitions of marriage informed by "religious doctrines."[6] But crediting such arguments would both enshrine religious beliefs in the law—which the Establishment Clause prohibits—and implicitly privilege religious viewpoints that oppose marriage equality over those that favor it.

For these and other reasons, civil recognition of same-sex relationships through lawful marriage is fundamentally consistent with the religious pluralism woven into the fabric of American law, culture, and society. Reversal in these cases would not "take sides" with one religious view against another or constitute an attack on religion. Nor would it

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[5] *See, e.g.*, Br. of Becket Fund, *supra* note 4, at 20-21 (arguing that legally recognizing same-sex couples' marriages poses risk that religious people and institutions will be penalized by state and local governments) *and* Br. of North Carolina Values Coalition, *supra* note 4, at 26 (asserting risk exists that courts will order religious entities to marry same-sex couples).

[6] *See, e.g.*, Br. of *Amici Curiae* United States Conference of Catholic Bishops, *et al.*, in Support of Defendants-Appellants and Supporting Reversal at 1, 3, *DeBoer* (urging relevance of "theological perspectives" and "religious doctrines" in support of "the traditional husband-wife definition of marriage").

signal an impermissible judicial imprimatur on changing social mores. Rather, reversal would recognize the creative tension inherent in religions' interface with our pluralistic, changing society while confirming that all, regardless of faith, are entitled to equal protection under the law.

## ARGUMENT

The American religious landscape is vast and diverse.[7] Religious adherents differ on contentious issues, and religious bodies have themselves evolved and disagreed over time—on marriage as

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[7] According to a U.S. Religious Landscape Survey from the Pew Forum on Religion & Public Life, more than 90% of Americans believe in God or a universal spirit and more than 80% have some formal religious affiliation. Pew Forum on Religion & Public Life, *Religious Beliefs and Practices: Diverse and Politically Relevant* at 5, 8 (June 2008), http://religions.pewforum.org/pdf/report2-religious-landscape-study-full.pdf (last visited Feb. 24, 2015). Religious affiliations and viewpoints also are diverse:

i. While over 75% of religiously affiliated Americans are Christian, this group is comprised of: Protestants, including Evangelical (26.3%), Mainline (18.1%), and Historically Black (6.9%) churches; Roman Catholics (23.9%); Mormons (1.7%); Jehovah's Witnesses (0.7%); Orthodox (0.6%); and Others (0.3%).

ii. Other religiously affiliated Americans are diverse as well, comprised of Jews (1.7%), Buddhists (0.7%), Muslims (0.6%), Hindus (0.4%), and other faiths (approximately 1.5%).

iii. Yet other sizeable blocks of the American public are unaffiliated, whether agnostic (2.4%), atheist (1.6%), or nothing in particular (12.1%).

*Id.* at 217. More recent, Gallup data confirms that, as of May 2014, 86% of Americans believed in God or a universal spirit.

well as other civil rights and social issues.[8] In view of that history and the wide range of modern religious thought on same-sex unions, it would be

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Gallup, *Religion* (2015), *available at* http://www.gallup.com/poll/1690/religion.aspx# (last visited Feb. 24, 2015).

The states whose laws are at issue in these cases likewise reflect our nation's broad religious diversity. In Kentucky, 49% of the population has identified as Evangelical Protestant, 17% as Mainline Protestant, 14% as Catholic, 12% as Unaffiliated, and 5% as Historically Black Protestant. Pew Forum on Religion & Public Life, *Religious Affiliation: Diverse and Dynamic* at 98 (February 2008), http://religions.pewforum.org/pdf/report-religious-landscape-study-full.pdf (last visited Feb. 24, 2015). In Michigan, 26% of the population has identified as Evangelical Protestant, 23% as Catholic, 19% as Mainline Protestant, 17% as Unaffiliated, and 8% as Historically Black Protestant. *Id.* at 97. In Ohio, 26% of the population has identified as Evangelical Protestant, 22% as Mainline Protestant, 21% as Catholic, 17% as Unaffiliated, and 7% as Historically Black Protestant. *Id.* In Tennessee, 51% of the population has identified as Evangelical Protestant, 18% as Mainline Protestant, 12% as Unaffiliated, 8% as Historically Black Protestant, and 7% as Catholic. *Id.* at 98.

[8] *See* Michael Perry, *Religion in Politics*, 29 U.C. Davis L. Rev. 729, 772 n.94 (1996) (chronicling shifts in religions' views on usury, the dissolubility of marriages, and slavery, and noting that "[i]n each case one can see the displacement of a principle or principles that had been taken as dispositive"). As one example, the American Baptist Church once believed that churches and other institutions should be segregated on the basis of race, but later revised that view. *See* Pamela Smoot, *Race Relations: How Do Baptists Treat Their Brothers and Sisters?*, *in* History Speaks To Hard Questions Baptists Ask (2009), http://www.baptisthistory.org/smootracerelations.pdf (last visited Feb. 24, 2015). As another example, the Roman Catholic Church once sought to curtail women's suffrage but later championed it. *See* Rosemary Radford Ruether, *Women, Reproductive Rights and the Catholic Church*, 16 Feminist Theology 184, 185 (Jan. 2008).

a mistake to elevate any one view on marriage above all others as "the religious" view. Indeed, it would be constitutionally inappropriate, because civil marriage is a secular institution, *see Maynard v. Hill*, 125 U.S. 190, 210 (1888), and the Constitution bars the government from favoring certain religious views over others, *see Larson v. Valente*, 456 U.S. 228, 244 (1982). Religious freedom means that, while *all* voices may contribute to our national conversation, *particular* religious perspectives on marriage can neither be privileged nor permitted to control the civil definition of marriage for all.

## I. A Wide Cross-Section Of American Religious Traditions Recognizes The Dignity Of Lesbian And Gay Citizens' Relationships And Families

With time, and across traditions, religious Americans have affirmed that the dignity of lesbian and gay people logically and theologically follows from the premise that all persons have inherent dignity. In some traditions, this affirmation has affected religious practice—*e.g.*, in the ordination of clergy. In others, it has led to various forms of religious affirmation of same-sex unions and of the children whom women and men in these unions love, nurture, and raise. Certain couples who are party to the very suits before this Court have been religiously married or invoked God in the context of their unions, even though they have been denied civil marriage.[9] All of this

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[9] Dominique James and Rev. Maurice Blanchard, among the couples suing in the *Bourke* and *Love* cases, were married in a religious ceremony in 2006 "because of their deep spiritual beliefs," but have been denied a Kentucky

confirms that no one "religious" view of even the rite of marriage predominates in America, putting aside the separate question of whether there is a common religious viewpoint on access to civil marriage.

### A. The Inherent Dignity Of Lesbian And Gay Individuals Informs The Theology Of Numerous Religious Believers And Bodies

Nearly three decades ago, the United Church of Christ, with 1.1 million members today, adopted a policy of membership nondiscrimination with regard to sexual orientation.[10] In 1989, the 45th

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marriage license. American Civil Liberties Union, *Bourke v. Beshear & Love v. Beshear—Plaintiff Profiles*, Jan. 14, 2015, *available at* https://www.aclu.org/lgbt-rights/bourke-v-beshear-love-v-beshear-plaintiff-profiles (last visited Feb. 24, 2015). Another Kentucky couple, Tammy Boyd and Kim Franklin. were married in Connecticut in 2010, moving Ms. Boyd to proclaim: "'May God see all things wonderful in this lifetime—and may all things happen the way it was meant to be: In love.'" Adam Polaski, *Meet the Plaintiffs Standing Up for Marriage at the 6th Circuit Today*, Aug. 6, 2014, *available at* http://www.freedomtomarry.org/blog/entry/meet-the-plaintiffs-standing-up-for-marriage-at-the-6th-circuit-today (last visited Feb. 24, 2015).

[10] General Synod of the United Church of Christ, *Resolution: Calling on United Church of Christ Congregations to Declare Themselves Open and Affirming* (July 2, 1985), http://ucccoalition.org/wp-content/uploads/2013/09/1985-CALLING-ON-UNITED-CHURCH-OF-CHRIST-CONGREGATIONS-TO-DECLARE-THEMSELVES-OPEN-AND-AFFIRMING.pdf (last visited Feb. 24, 2015) (citing Romans 12:4 for proposition that "Christians . . . are many members, but . . . one body in Christ" and encouraging congregations to adopt "a Covenant of Openness and Affirmation" with lesbian and gay members of the faith).

General Assembly for the Union of Reform Judaism, which represents 1.3 million Reform Jews, resolved to "urge [its] member congregations to welcome gay and lesbian Jews to membership, as singles, couples, and families" and to "embark upon a movement-wide program of heightened awareness and education to achieve the fuller acceptance of gay and lesbian Jews in our midst."[11] Many other faiths similarly embrace the foundational theological belief in the dignity of lesbian and gay Americans *as persons*. The Episcopal Church,[12] the United Methodist Church,[13] the

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[11] Union of Reform Judaism, 60th General Assembly, Resolution, *Gay And Lesbian Jews* (Nov. 1989), *available at* http://urj.org//about/union/governance/reso//?syspage=article&item_id=2065 (last visited Feb. 24, 2015). *Cf.* Union of Reform Judaism, 45th General Assembly, Resolution, *Human Rights Of Homosexuals* (Nov. 1977), *available at* http://urj.org//about/union/governance/reso//?syspage=article&item_id=2158 (last visited Feb. 24, 2015) (affirming the "belief that private sexual acts between consenting adults are not the proper province of government and law enforcement agencies"); Central Conference of American Rabbis, *Report of the Ad Hoc Committee on Homosexuality and the Rabbinate of the Central Conference of American Rabbis Annual Convention* at 262 (1990), http://borngay.procon.org/sourcefiles/CCAR_Homosexuality.pdf (last visited Feb. 24, 2015) ("all Jews are religiously equal regardless of their sexual orientation").

[12] 75th General Convention of The Episcopal Church, Resolution 2006-A167, (2006), *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2006-A167 (last visited Feb. 24, 2015).

[13] United Methodist Church, *Social Principles & Creed*, *available at* http://www.umc.org/what-we-believe/the-social-community (last visited Feb. 24, 2015).

Evangelical Lutheran Church in America,[14] the Presbyterian Church (U.S.A.),[15] the Unitarian Universalist Church,[16] Conservative[17] and Reconstructionist[18] Judaism, and myriad others in Kentucky, Michigan, Ohio, Tennessee, and nationwide adhere to this basic tenet.

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[14] 11th Churchwide Assembly of the Evangelical Lutheran Church in America, *A Social Statement on Human Sexuality: Gift and Trust* at 20 (Aug. 19, 2009), *available at* http://www.elca.org/ Faith/Faith-and-Society/Social-Statements/Human-Sexuality (last visited Feb. 24, 2015).

[15] Presbyterian Church (U.S.A.), Theological Task Force on Peace, Unity and Purity of the Church, Final Report as approved by the 217th General Assembly, *A Season of Discernment* at 20, (2006), http://pres-outlook.org/wp-content/uploads/2009/10/www.pcusa.org_peaceunitypurity_finalreport_final-report-revised-english.pdf (last visited Feb. 24, 2015).

[16] General Assembly of the Unitarian Universalist Association, Business Resolution, *Confronting Sexual Orientation and Gender Identity Discrimination* (2010), *available at* http://www.uua.org/statements/statements/169267.shtml (last visited Feb. 24, 2015).

[17] Rabbinical Assembly, *Resolution In Support Of Equal Rights And Inclusion For Gay, Lesbian, Bisexual, And Transgender (GLBT) Persons* (2011), *available at* http://www.rabbinicalassembly.org/story/resolution-support-equal-rights-and-inclusion-gay-lesbian-bisexual-and-transgender-glbt-person (last visited Feb. 24, 2015); *see also* E. Dorff, D. Nevins, & A. Reisner, *Homosexuality, Human Dignity & Halakhah: A Combined Responsum For the Committee on Jewish Law Mand Standards* (2006), http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/20052010/dorff_nevins_reisner_dignity.pdf (last visited Feb. 24, 2015).

[18] Rabbi Shawn I. Zevit, *JRF Homosexuality Report and Inclusion of GLBTQ Persons, available at* http://archive.is/3a6x (last visited Feb. 24, 2015) (citation omitted).

Religious individuals, too, have demonstrated an increasingly positive view of lesbian and gay Americans. According to Public Religion Research Institute data, the majority of Americans from most major religious groups have positive moral and theological views of gay and lesbian people, including 62% of Roman Catholics, 63% of white Mainline Protestants, and 69% of non-Christian, religiously affiliated Americans.[19]

Meanwhile, 57% of white Mainline Protestants and 50% of American Roman Catholics support the ordination of gay and lesbian clergy.[20] Unsurprisingly, therefore, some denominations—both Christian and Jewish—long have permitted openly lesbian and gay clergy.[21] Others more

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[19] Public Religion Research Institute, *Generations at Odds: The Millennial Generation and the Future of Gay and Lesbian Rights*, at 18-19 (Aug. 29, 2011), http://publicreligion.org/site/wp-content/uploads/2011/09/PRRI-Report-on-Millennials-Religion-Gay-and-Lesbian-Issues-Survey.pdf (last visited Feb. 24, 2015).

[20] Public Research Institute, *supra* note 19, at 20.

[21] The Unitarian Universalist Church called its first openly gay minister to serve as leader for a congregation in 1979. *See* Unitarian Universalist Association of Congregations, Unitarian Universalist LGBT History Timeline, *available at* http://www.uua.org/lgbtq/history/20962.shtml (last visited Feb. 24, 2015). The seminary for Reconstructionist Jews began accepting gay and lesbian applicants in 1984. *See* Zevit, *supra* note 18. The Central Conference of American Rabbis endorsed the view in 1990 that "all rabbis, regardless of sexual orientation, be accorded the opportunity to fulfill the sacred vocation which they have chosen." Central Conference of American Rabbis, *supra* note 11, at 261. The Episcopal Church ordained its first openly gay priest in 1977, *see* Mireya Navarro, *Openly Gay Priest Ordained in New Jersey*, N.Y. Times, Dec. 17, 1989, at 54,

recently have amended their practices to admit openly lesbian and gay people to various forms of ministry.[22] Such changes have extended to top leadership eligibility as well, as in the election of

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amended its canon law in 1994 to prohibit discrimination on the basis of sexual orientation in ordained and lay ministry, *see* 71st General Convention of the Episcopal Church, Resolution 1994-D007, *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1994-D007 (last visited Feb. 24, 2015), and amended its law again in 2012 to prohibit discrimination on the basis of gender identity and expression, *see* Archives of the Episcopal Church, The Acts of Convention 1976-2012, *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=2012-D002 (last visited Feb. 24, 2015).

[22] *See, e.g.*, Presbyterian Church (U.S.A.), *Presbyterian Church (U.S.A.) Approves Change In Ordination Standard* (May 10, 2011), *available at* http://www.pcusa.org/news/2011/5/10/presbyterian-church-us-approves-change-ordination/ (last visited Feb. 24, 2015) (reporting that new language in church's Book of Orders effectively would open ordained ministry to persons in same-gender relationships); Amy Stone, *Out and Ordained, New York's Jewish Theological Seminary Graduates its First Openly Lesbian Rabbi*, Lilith (2011), *available at* http://lilith.org/articles/out-and-ordained/ (last visited Feb. 24, 2015) (indicating that Conservative Jewish movement welcomed gay and lesbian rabbinical and cantorial students to Jewish Theological Seminary in 2007); Bishop Mark S. Hanson, *Message to Rostered Leaders* (Aug. 22, 2009), http://www.salemsycamore.org/committees/task-forces/civil-unions/Bishop's%20Message%20August%202009.pdf (last visited Feb. 24, 2015) (citing Resolution 2 of 2009 Evangelical Lutheran Church in America Churchwide Assembly as resolving to find "a way for people in such publicly accountable, lifelong, monogamous, same-gender relationships to serve as rostered leaders of the church"); Sarah Pulliam Bailey, *ELCA Lutherans Elect First Openly Gay Bishop* (June 3, 2013), *available at* http://www.religionnews.com/2013/06/03/elca-lutherans-elect-first-openly-gay-bishop/ (last visited Feb. 24,

the first openly gay bishop in the Episcopal Church in 2003.[23]

Whether it be the ordination of lesbian and gay clergy, the express welcome to lesbian and gay congregants and their families, or the affirmation that lesbian and gay individuals possess the same inherent dignity as any other person, the American religious landscape includes same-sex couples and their families and affirms their role in both faith communities and civil society at large.

### B. A Vast Spectrum Of American Faith Groups And Religious Observers Affirms Same-Sex Couples' Relationships In A Multitude Of Ways, Including By Celebrating And Solemnizing Their Marriages

Many faiths also more specifically accord doctrinal and theological affirmation to the loving, committed *relationships* that same-sex couples have elected to enter—unsurprisingly, in ways as diverse as America's religious families. Most recently, the General Assembly of the Presby-

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2015). More recently, a United Methodist Church committee affirmed a proposal, formally to be voted on this May, that would "remove church legislation that punishes clergy for being 'self-avowed practicing homosexuals' or officiating gay weddings." Zoe Mintz, *United Methodist Church Moves to Allow LGBT Clergy and Gay Marriage*, Feb. 12, 2015, *available at* http://www.ibtimes.com/united-methodist-church-moves-allow-lgbt-clergy-gay-marriage-1814812 (last visited Feb. 24, 2015).

[23] *See* Laurie Goodstein, *Openly Gay Man Is Made A Bishop*, N.Y. Times, Nov. 3, 2003, at A1; *see also* Laurie Goodstein, *Episcopal Vote Reopens a Door to Gay Bishops*, N.Y. Times, July 14, 2009, at A11.

terian Church (U.S.A.)—the largest U.S. Presbyterian denomination—approved a recommendation permitting pastors to officiate at same-sex weddings[24] and recommended that the Church's 171 presbyteries ratify a change to the Book of Order indicating that "marriage involves a unique commitment between two people."[25]

Such decisions are no mere fad. Nearly thirty years ago, the Detroit Friends Meeting in Michigan affirmed—as approximately 250 other Quaker meetings around the country similarly have—that both homosexual and heterosexual couples seeking to unite their love would be celebrated and supported by the community.[26] Friends Meetings in

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[24] Presbyterian Church (U.S.A.), *Press Release—General Assembly Approves Recommendation Giving Pastors Discretion to Perform Same-Gender Marriage Ceremonies*, June 20, 2014, *available at* http://www.pcusa.org/news/2014/6/20/press-release-presbyterian-church-us-general-assem/ (last visited Feb. 24, 2015) (deciding that pastors would be able "to participate in any such marriage they believe the Holy Spirit calls them to perform."). The United Methodist Church may undertake a similar move in coming months. *See* discussion *supra*, note 22.

[25] *Id.* This measure was approved by a vote of 71% of the General Assembly. Laurie Goodstein, *Presbyterians Vote to Allow Same-Sex Marriages*, N.Y. Times, June 20, 2014, at A11.

[26] *See* Detroit Monthly Meeting, *Minute* (Jan. 12, 1986), *available at* Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns, *Collected Marriage Minutes*, http://flgbtqc.quaker.org/minutes.html (last visited Feb. 24, 2015). Other Friends Meetings in Michigan have followed suit—*e.g.*, in Ann Arbor, Kalamazoo, and Red Cedar. *See id.*

Ohio and Tennessee have adopted similar stances over the past fifteen to twenty years as well.[27]

The Evangelical Lutheran Church in America has described the manner in which same-sex unions are, and are expected to be, like different-sex unions in several constitutive dimensions: "[T]he neighbor and community are best served when same-gender relationships are lived out with lifelong and monogamous commitments that are held to the same rigorous standards, sexual ethics, and status as heterosexual marriage. [We] surround such couples and their lifelong commitments with prayer to live in ways that glorify God, find strength for the challenges that will be faced, and serve others."[28]

Support for same-sex relationships in religious doctrine and practice likewise has informed a diverse array of formal marriage rituals. The Conservative, Reform, and Reconstructionist Jewish movements allow their rabbis to perform religious

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[27] *See id.*, Nashville, TN Friends Meeting, *Minute* (June 9, 1996), and Oxford, OH Friends Meeting, *Minute* (1998); *see also* Marty Grundy, ed., *Seeking God's Will on Same Sex Relationships: The Experience of Cleveland Friends Meeting* at 49-51, 91 (2010) (reprinting Cleveland, OH Friends Meeting *Minutes* (May 22, 1994 and June 26, 1994) calling a meeting "to celebrate and witness" as Nancy Reeves and Lynn Clark affirmed their relationship to be a marriage, and *Minute* (Feb. 28, 2010) approving, "regardless of sexual orientation or gender," an "understanding that marriage is a covenant relationship between [a] couple and God").

[28] *See, e.g.*, Evangelical Lutheran Church in America, 11th Churchwide Assembly, *Human Sexuality: Gift and Trust* at 20 (Aug. 19, 2009), *available at* http://www.elca.org/Faith/Faith-and-Society/Social-Statements/Human-Sexuality (last visited Feb. 24, 2015).

wedding ceremonies for same-sex couples. Indeed, this practice was approved by a unanimous vote of the Rabbinical Assembly's Committee on Jewish Law and Standards.[29]

The Unitarian Universalist Association began celebrating the unions of same-sex couples as it would any other consenting adult couple's union in 1979 and formally affirmed this practice in 1984.[30] The United Church of Christ adopted a

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[29] *See, e.g.*, E. Dorff, D. Nevins, & A. Reisner, *Rituals and Documents of Marriage and Divorce for Same-Sex Couples*, Rabbinical Assembly (Spring 2012) (endorsing Conservative rabbis' right to solemnize marriages of same-sex couples and memorializing 15-0-1 vote by the Rabbinical Assembly's Committee on Jewish Law and Standards to approve endorsement), http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/2011-2020/same-sex-marriage-and-divorce-appendix.pdf (last visited Feb. 24, 2015); *id.* at 6 ("The Rabbinical Assembly maintains standards of rabbinic practice regarding marriage, and we shall apply the same standards to same-sex couples."); 111th Convention of the Central Conference for American Rabbis, *Resolution On Same Gender Officiation*, (Mar. 2000), *available at* http://ccarnet.org/rabbis-speak/resolutions/2000/same-gender-officiation/ (last visited Feb. 24, 2015) (Reform movement); Lisa Tuttle, *Reconstructionist Movement Issues Joint Statement On Same-Sex Marriage Bans* (Nov. 17, 2008), *available at* http://www.jewishrecon.org/files/Reconstructionist%20statement%20on%20same-sex%20marriage%20bans.doc (last visited Feb. 24, 2015) (noting that in series of resolutions beginning in 1993 Reconstructionist movement affirmed holiness of commitments made by same-sex couples).

[30] *See* LGBTQ Ministries Multicultural Growth and Witness, *LGBT History & Facts for Unitarian Universalists* (2011), https://www.uua.org/documents/lgbtq/history.pdf (last visited Feb. 24, 2015); General Assembly of the Unitarian Universalist Association, Resolution of Immediate Witness, *Support of the Right to Marry for Same-Sex Couples*

marriage equality resolution on July 4, 2005, and its current Order for Marriage—a template for marriage ceremonies—is designed for use in any marriage ceremony regardless of gender.[31] The Episcopal Church acknowledged in 2000 that its membership includes same-sex couples living in "lifelong committed relationships . . . characterized by fidelity, monogamy, mutual affection and respect, careful, honest communication and the holy love which enables those in such relationships to see in each other the image of God," and in 2012 approved a provisional liturgy for the blessing of same-sex unions that may be used with the permission of the local bishop.[32] And some faiths that do not celebrate or solemnize marriages of same-sex couples *per se* accord recognition to them in various other ways.[33]

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(1996), *available at* https://www.uua.org/statements/statements/14251.shtml (last visited Feb. 24, 2015); Unitarian Universalist Association, *Unitarian Universalist LGBTQ: History & Facts*, *available at* http://www.uua.org/lgbtq/history/185789.shtml (last visited Feb. 24, 2015).

[31] United Church of Christ, *Order for Marriage, An Inclusive Version*, http://www.ucc.org/worship/pdfs/323_346i_order-for-marriage-inclusive.pdf (last visited Feb. 24, 2015).

[32] *See* 73rd General Convention of the Episcopal Church, Resolution 2000-D039 (2000), *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2000-D039 (last visited Feb. 24, 2015); 77th General Convention of the Episcopal Church, Resolution 2012-A049, (2012), *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2012-A049 (last visited Feb. 24, 2015).

[33] For example, the Evangelical Lutheran Church in America's ("ELCA") 2009 Churchwide Assembly resolved by a vote of 619 to 402 to "commit itself to finding ways to allow

In short, even limited to the sphere of *religious* marriage, organized religion in the United States exhibits a tremendous diversity of views and practices regarding same-sex unions.

## II. Recognizing The Necessary Distinction Between Civil And Religious Marriage, A Growing Number Of Faiths Support Civil Marriage Equality

More than a century ago, this Court held that "marriage is often termed . . . a civil contract . . . and does not require any religious ceremony for its solemnization." *Maynard*, 125 U.S. at 210. *Amici* are therefore mindful that their own theological perspectives on marriage are distinct from the civil law on marriage. Recognizing that civil and religious marriage necessarily are two different things, and further undercutting any claim that religion speaks with one voice on marriage, many religions—including those represented by *Amici* here—have distinct positions supporting equal *civil* marriage rights for same-sex couples.

*Amici* do not suggest that their spiritual views on civil marriage equality should be imposed on anyone else. Rather, they present some of their beliefs here to counter the notion that any one segment of the religious community can claim divine or some other universally normative

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congregations that choose to do so to recognize, support and hold publicly accountable life-long, monogamous, same-gender relationships." Hanson, *supra* note 22. Following that action, more than 300 ELCA congregations have performed blessings over same-sex couples' unions, while many more have adopted other policies and practices affirming same-sex couples' relationships. *See* ReconcilingWorks, *RIC Congregations List*, *available at* http://www.reconcilingworks.org/ric/ric-congregations-list#results (last visited Feb. 24, 2015).

authority as a basis for exclusively reserving civil marriage for heterosexual couples—as, for example, some *amici* suggest by stating that their "theological perspectives, though often differing, converge on a critical point: that the traditional husband-wife definition of marriage is vital to the welfare of children, families, and society. [Such f]aith communities . . . are among the essential pillars of this Nation's marriage culture."[34] Undersigned *Amici*—including nearly 2,000 individual religious leaders spanning a rich diversity of American faith traditions—submit that their faith communities, too, are among the pillars supporting the institution of marriage in America. *Amici* therefore respectfully urge the Court to bear this diversity in mind when assessing the broad cultural implications of the decision it must reach in these cases, at this juncture of American history.

In this light, *Amici* note that two Christian denominations that trace their history directly to the Puritans of New England support civil marriage for gay and lesbian couples.[35] Nearly two decades ago, in 1996, the Unitarian Universalist Association formally resolved to support equal civil marriage rights in part because the marriage equality debate "ha[d] focused on the objections of certain religious communities" to equal access to

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[34] Br. of United States Conference of Catholic Bishops, *et al.*, *supra* note 6, at 1.

[35] *See generally* Mark W. Harris, *Unitarian Universalist Origins: Our Historic Faith* (2015), *available at* http://www.ucsummit.org/wordpress/visitors/uu-history/#.VOzv5Ll0yUk (last visited Feb. 24, 2015); United Church of Christ, *Short Course in the History of the United Church of Christ*, http://www.ucc.org/about-us/short-course/shortcourse.pdf (last visited Feb. 24, 2015).

marriage.[36] In 2004, the Association further affirmed that "Civil Marriage is a Civil Right" and opposed any amendment of the United States Constitution to bar same-sex couples from marrying.[37] The following year, in 2005, the United Church of Christ "affirm[ed] equal marriage rights for couples, regardless of gender, and declar[ed] that the government should not interfere with couples regardless of gender who choose to marry and share fully and equally in the rights, responsibilities and commitment of legally recognized marriage."[38] Indeed, the very church founded by the Pilgrims who sailed on the Mayflower in 1620—First Parish in Plymouth, now a Unitarian

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[36] General Assembly of the Unitarian Universalist Association, Resolution of Immediate Witness, *supra* note 30.

[37] General Assembly of the Unitarian Universalist Association, Action of Immediate Witness, *Oppose Federal Marriage Amendment* (2004), *available at* http://www.uua.org/statements/statements/13433.shtml (last visited Feb. 24, 2015).

[38] General Synod of the United Church of Christ, Resolution, *In Support of Equal Marriage Rights for All* (July 4, 2005), http://ucccoalition.org/wp-content/uploads/2013/09/in-support-of-equal-marriage-rights-for-all-with-background.pdf (last visited Feb. 24, 2015). Echoing the proper distinction between religious and civil marriage, the UCC's General Synod concluded that "theologically and biblically, there is neither justification for denying any couple, regardless of gender, the blessings of the church nor for denying equal protection under the law in the granting of a civil marriage license, recognized and respected by all civil entities." *Id.* It also observed that "legislation to ban recognition of same-gender marriages further undermine[s] the civil liberties of gay and lesbian couples and contributes to a climate of misunderstanding and polarization increasing hostility against gays and lesbians." *Id.*

Universalist congregation—has issued a proclamation invoking its historical pursuit of religious freedom, recounting its long history of openness to lesbian and gay congregants, and calling for full civil marriage equality for same-sex couples.[39] Given its historical pedigree, the First Parish proclamation underscores the resonance of today's marriage equality debate with the nation's founding ideal of liberty.

In addition, the Reform,[40] Reconstructionist,[41] and Conservative[42] movements of Judaism all

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[39] *See* First Parish Church in Plymouth, *Resolution Demanding That All Persons, Regardless Of Sexual Orientation Or Gender Identification, Receive Equal Treatment Under The United States Constitution And The Laws Of The Land* (Feb. 2013), http://firstparishplymouthuu.org/wp/wp-content/uploads/2014/07/Equal-treatment-lgbti-brief.pdf (last visited Feb. 24, 2015).

[40] At its 1997 General Assembly, the Union of American Hebrew Congregations (now the Union for Reform Judaism) resolved to "[s]upport secular efforts to promote legislation which would provide through civil marriage equal opportunity for gay men and lesbians." *See* Union of American Hebrew Congregations, General Assembly Resolution, *Civil Marriage for Gay and Lesbian Jewish Couples* (Oct. 29-Nov. 2, 1997), *available at* http://urj.org//about/union/governance/reso//?syspage=article&item_id=2000 (last visited Feb. 24, 2015). As part of the foundation for this resolution, the UAHC recognized that, "[n]o less than heterosexual couples, gay men or lesbians living in monogamous domestic relationships have demonstrated, like their counterparts, love for one another, compassion for the sick, and grief for the dead." *Id.* The 1997 resolution built on a 1996 resolution of the Central Conference of American Rabbis ("CCAR") "support[ing] the right of gay and lesbian couples to share fully and equally in the rights of civil marriage." 107th Convention of the Central Conference of American Rabbis, Resolution, *On Gay and Lesbian Marriage* (Mar. 1996),

support equal civil marriage rights for same-sex couples, as does the American Friends Service Committee of the Religious Society of Friends (Quakers).[43] The Religious Institute, Inc. in 2004

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*available at* http://ccarnet.org/rabbis-speak/resolutions/1996/on-gay-and-lesbian-marriage-1996/ (last visited Feb. 24, 2015). The CCAR resolution specifically recognized that civil marriage is a question of civil law and thus completely distinct from rabbinic officiation at religious marriages. *Id.*

[41] The Jewish Reconstructionist movement adopted a resolution in favor of full civil marriage equality for same-sex couples. *See* Reconstructionist Rabbinical Association, *et al.*, *Reconstructionist Movement Endorses Civil Marriage for Same-Sex Couples* (Apr. 2004), available at http://www.rrc.edu/news-media/news/reconstructionist-movement-endorses-civil-marriage-same-sex-couples (last visited Feb. 24, 2015).

[42] The Rabbinical Assembly—representing Conservative Judaism—resolved in 2011 to "support the extension of civil rights and privileges granted to married persons to same sex couples," and as early as 1990, had resolved to "work for full and equal civil rights for gays and lesbians in our national life." *Resolution In Support Of Equal Rights*, *supra* note 17.

[43] In 2004, the Executive Committee of the American Friends Service Committee Board of Directors, acting at the direction of the full board, approved a "minute" setting forth its "support for equal civil marriage rights for lesbian, gay, bisexual, and transgender people." *See* American Friends Service Committee, AFSC Board Executive Committee Statement on Equal Marriage (2004), http://afsc.org/sites/afsc.civicactions.net/files/documents/AFSC%20Board%20Minute.pdf (last visited Feb. 24, 2015). Noting that some advocate civil unions for same-sex couples, while reserving civil marriage for heterosexual couples, the Executive Committee disagreed: "It is our belief that government sanction should be applied equally. All couples should be granted civil union licenses or all should be granted marriage licenses." *Id.* Like *Amici* here, the AFSC Executive Committee was "careful to distinguish between civil law, in which no single religious view should predominate, and the right of various faith traditions, denominations, and congregations to decide for

released an Open Letter to Religious Leaders on Marriage Equality, and as of January 2015 had received the endorsement by more than 4,600 religious leaders, representing over fifty traditions, of the Institute's Religious Declaration on Sexual Morality, Justice, and Healing, which includes a call for marriage equality.[44]

In 2006, the Episcopal Church likewise called on federal, state, and local governments to provide same-sex couples protections equivalent to those "enjoyed by non-gay married couples" and "oppose[d] any state or federal constitutional amendment that prohibits same-sex civil marriage or civil unions," a stance growing out of its "historical support of gay and lesbian persons as children of God and entitled to full civil rights."[45] And a decade ago, the United Methodist Church called for the "equal protection before the law" of couples and families who have "shared material resources, pensions, guardian relationships,

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themselves whether they will perform, support, or recognize [same-sex] marriages." *Id.*

[44] Religious Institute, *An Open Letter to Religious Leaders on Marriage Equality* (2004), http://www.religiousinstitute.org/wp-content/uploads/2013/08/OL-Marriage-Equality.pdf (last visited Feb. 24, 2015); *Religious Declaration on Sexual Morality, Justice, and Healing* (Jan. 2015), *available at* http://www.religiousinstitute.org/religious-declaration-on-sexual-morality-justice-and-healing/ (last visited Feb. 24, 2015); *List of Endorsers* (Aug. 28, 2014), *available at* http://www.religiousinstitute.org/religious-declaration-on-sexual-morality-justice-and-healing/list-of-endorsers/ (last visited Feb. 24, 2015).

[45] 75th General Convention of The Episcopal Church, Resolution 2006-A095, *available at* http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution-complete.pl?resolution=2006-A095 (last visited Feb. 24, 2015).

mutual powers of attorney, and other such lawful claims."[46]

Even within faiths officially opposed to civil marriage equality—a position their leaders remain free to express—many adherents (in some cases, a majority) nonetheless have come to support same-sex couples' right to civil marriages. For example, the Roman Catholic Church hierarchy is strongly opposed to both civil and religious marriage for same-sex couples.[47] Yet Catholic teaching joins other mainstream religions in affirming the fundamental human dignity of lesbian and gay individuals and in calling for an end to "any forms of injustice, oppression, or violence against them."[48]

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[46] United Methodist Church, *Equal Rights Regardless of Sexual Orientation*, The Book of Discipline of The United Methodist Church (2004), *available at* http://master.umc.org/interior.asp?mid=1753 (last visited Feb. 24, 2015).

[47] United States Conference of Catholic Bishops, *Between Man And Woman: Questions And Answers About Marriage And Same-Sex Unions* (2003), *available at* http://www.usccb.org/issues-and-action/marriage-and-family/marriage/promotion-and-defense-of-marriage/questions-and-answers-about-marriage-and-same-sex-unions.cfm (last visited Feb. 24, 2015).

[48] *See, e.g.*, United States Conference of Catholic Bishops, Statement of the Bishops' Committee on Marriage and Family, *Always Our Children: A Pastoral Message To Parents Of Homosexual Children And Suggestions For Pastoral Ministers* (1997), *available at* http://www.usccb.org/issues-and-action/human-life-and-dignity/homosexuality/always-our-children.cfm (last visited Feb. 24, 2015) (observing that "respect for the God-given dignity of all persons means the recognition of human rights and responsibilities," such that "the fundamental human rights of homosexual persons must be defended and . . . all of us must strive to eliminate any forms of injustice, oppression, or violence against them.").

Consistent with the latter teaching, a growing majority of American Catholics have come to favor marriage equality.[49] Indeed, recent Public Religion Research Institute data show that significant majorities within prominent American religious communities support civil marriage equality: 83% of Jewish Americans; 62% of white Mainline Protestants; and 58% and 56% of white and Hispanic Catholics, respectively. The freedom to marry is embraced as well by 73% of religiously unaffiliated Americans.[50] The Institute also has documented rapidly shifting support for marriage equality among Evangelical Christians—and not just among the young.[51] There are American Muslims, too, who believe that their religious faith is not

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[49] *Compare* Public Religion Research Institute, *A Shifting Landscape: A Decade of Change in American Attitudes about Same-sex Marriage and LGBT Issues*, at 10 (Feb. 26, 2014), http://publicreligion.org/site/wp-content/uploads/2014/02/2014.LGBT_REPORT.pdf (last visited Feb. 24, 2015) (showing that, in 2013, 57% of Catholics supported marriage for same-sex couples) *with* Pew Forum on Religion and Public Life, *Religion and Attitudes Toward Same-Sex Marriage* (Feb. 7, 2012), *available at* http://www.pewforum.org/Gay-Marriage-and-Homosexuality/Religion-and-Attitudes-Toward-Same-Sex-Marriage (citing comparative data from Aug.-Sept. 2010 and Oct. 2011 to show that, just three years before, only 46% of Catholics had favored equal marriage rights).

[50] *Id.*

[51] Elizabeth Dias, *How Evangelicals Are Changing Their Minds on Gay Marriage*, Time, Jan. 15, 2015, *available at* http://time.com/3669024/evangelicals-gay-marriage/ (last visited Feb. 24, 2015) (citing Public Religion Research Institute data in reporting that, although the National Association of Evangelicals opposes same-sex marriage, support for it "across all age groups of white evangelicals has increased by double digits over the past decade").

contravened when the government affords marriage rights to same-sex couples.[52] In fact, in a March 2014 survey, 59% of *all* adults nationwide, including 62% of White non-evangelical Protestants, 70% of White Catholics, and 81% of people who claim no religion, voiced support for marriage equality.[53]

While individual liberties should not be subject to public opinion polls, the preceding surveys make clear that American religious thought and practice embrace a rich diversity. No one view speaks for "religion"—even if, contrary to the Establishment Clause, it were appropriate to give weight to religious views in the application of the Constitution's secular promise of equal protection.

## III. Civil Marriage Equality For Same-Sex Couples Will Not Prejudice Religious Belief Or Practice, But Rather Will Prevent One Set Of Religious Beliefs From Being Imposed Through Civil Law

Affording civil marriage rights to same-sex couples will not threaten the First Amendment freedom of all religious communities to decide

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[52] *See, e.g.*, Muslims for Progressive Values, Press Release, *Muslims for Progressive Values Applauds President Obama's Support of Marriage Equality* (May 9, 2012), *available at* http://prlog.org/11871240-muslims-for-progressive-values-applauds-president-obamas-support-of-marriage-equality.html (last visited Feb. 24, 2015) (applauding *Windsor* and *Perry* decisions for marriage equality).

[53] *Gay issues find increasing acceptance*, Wash. Post, Mar. 6, 2014, *available at* http://www.washingtonpost.com/page/2010-2019/WashingtonPost/2014/03/05/National-Politics/Polling/release_301.xml?uuid=MCZgxKQjEeO4ZTiyVNkgYw (last visited Feb. 24, 2015).

which unions are and are not consistent with their religious beliefs or otherwise to control their core religious practices. Nor would reversal here unduly burden religious persons and institutions in the pursuit of their public, community, or commercial activities. Religious actors become subject to public accommodation laws and other neutral government regulation when they engage in the public sphere. The potential conflicts that may thus arise are governed by existing law and have nothing to do with respecting equal marriage rights for other individuals. To the contrary, affirmance predicated on religious grounds, including the notion that a state may deny equal protection to one subgroup in order to preserve the "religious liberty" of those who wish to discriminate against them with respect to *public* matters and *civil* rights, would be inappropriate and unconstitutional. Such a holding would improperly favor one set of religious views (*e.g.*, rejecting civil marriage equality) against other religious views (*e.g.*, like those of *Amici* here, favoring equal treatment under law for same-sex couples).

### A. Reversal Would Not Interfere With The Freedom To Set Parameters For Religiously Sanctioned Marriage That May Differ From Those Established Under Civil Law

Any purported concern that marriage equality for same-sex couples would interfere with religious practice is wholly illusory. However civil authorities define marriage, existing constitutional principles protect the autonomy of various religious entities to define *religious* marriages to comport with their respective tenets. *See*

*Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694, 709 (2012) (affirming principle that certain "matter[s are] 'strictly ecclesiastical,'" meaning they are "the church's alone" (citation omitted)); *see also Epperson v. Arkansas*, 393 U.S. 97, 104 (1968) ("The First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion."). In this manner, religion and the state reciprocally respect their own proper spheres. *See McCollum v. Bd. of Educ.*, 333 U.S. 203, 212 (1948) ("[T]he First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere.").

This tradition of respect for religious autonomy has, indeed, permitted various religions to define religious marriage in ways that would be unenforceable under civil law—declining to sanctify or even recognize, for example, marriages between persons of different faiths and races or successive marriage following divorce. Conservative Judaism, for example, prohibits interfaith marriages,[54] as did the Roman Catholic Church's Code of Canon Law for much of the twentieth century.[55] The Mormon Church discouraged interracial marriage

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[54] Leadership Council on Conservative Judaism, *Conservative View on Intermarriage* (Mar. 7, 1995), *available at* http://www.mazorguide.com/living/Denominations/conservative-intermarriage.htm (last visited Feb. 24, 2015).

[55] Michael G. Lawler, *Interchurch Marriages: Theological and Pastoral Reflections, in Marriage in the Catholic Tradition: Scripture, Tradition, and Experience*, Ch. 22, at 222 (Todd A. Salzman, *et al.*, eds. 2004).

well after this Court's ruling in *Loving v. Virginia*, 388 U.S. 1 (1967), that the Constitution forbids bans on interracial civil marriages.[56] And because the Roman Catholic Church teaches that "[t]he remarriage of persons divorced from a living, lawful spouse is not permitted by God's law as taught by Christ,"[57] its priests "cannot recognize the union of people who are civilly divorced and remarried"[58]—even though civil jurisdictions obviously do.

The existence and persistence of such differences demonstrate that reversal here would not burden religious liberty. Were all states to recognize and permit the civil marriage of same-sex couples—as they do for interfaith couples, interracial couples, and couples re-marrying after divorce—religions that disapprove of such unions would remain free to define *religious* marriage however they wish. All faith groups could continue to withhold spiritual blessing from any marriages—and, indeed, bar those entering into them from being congregants at all—just as they are now free to do so on grounds of faith, race, prior marital status, or any other characteristic deemed religiously significant.

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[56] *See Interracial Marriage Discouraged*, The Deseret News, June 17, 1978, at 4 ("Now, the brethren feel that it is not the wisest thing to cross racial lines in dating and marrying." (quoting President Spencer W. Kimball in a 1965 address to students at Brigham Young University)).

[57] United States Conference Of Catholic Bishops, *United States Catholic Catechism For Adults* ¶ 290 (2006).

[58] United States Conference Of Catholic Bishops, *Compendium—Catechism Of The Catholic Church* ¶ 349 (2006).

*Amici* supporting Respondents before the Court of Appeals failed to explain how their *religious* practice would be burdened by according other people equal civil marriage rights. Leaving aside the public accommodation law issues addressed *infra* in Point III(B), certain of these *amici* express a generalized concern that opponents of equal marriage rights will somehow be prevented from expressing their religious conscience on such matters.[59] But the Free Exercise Clause does not protect religious actors from reactions to their expressed views. There is no protected constitutional right not to be considered—correctly or incorrectly—a "discriminator," and religious liberty does not require freedom from discomfort. Indeed, a core component of many religious traditions involves speaking to, if not *against*, secular culture and its practices. Liberty under our Constitution protects such religious practice and speech. But that liberty interest cannot be transformed into a basis for privileging certain such practices and speech at the expense of other citizens' own fundamental constitutional rights.

In this respect it is no accident that the Free Exercise Clause shares an amendment with the Free Speech Clause. Robust enforcement of *all*

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[59] *See, e.g.*, Br. of North Carolina Values Coalition, *supra* note 4, at 26 (arguing that "redefining marriage" would constitute "judicial intrusion on thought and speech" that "encroaches on freedom of religion—a right that, unlike even traditional marriage, is explicitly guaranteed by the Constitution"); Br. of United States Conference of Catholic Bishops, *et al.*, *supra* note 6, at 30 ("[A] judicial decision declaring traditional marriage unconstitutional would render those who believe in traditional marriage social and political outcasts.").

constitutional guarantees best ensures equal access for all voices to discourse in the public square.[60] Eliminating states' unconstitutional and unequal treatment of same-sex couples under civil law will not change, mandate, control, or interfere with any parties' religious practices. The religious freedoms embodied in the Constitution guarantee that diverse religious traditions and beliefs, including the sole right to define who can marry *religiously*, will flourish regardless of changes in civil marriage laws.

### B. Civil Marriage Of Same-Sex Couples Does Not Unconstitutionally Burden Religious Conscience Or Exercise In Commercial Or Other Public Settings

Some *amici* supporting Respondents here suggested to the Court of Appeals that the civil marriage of same-sex couples will impede religious individuals or religiously identified entities from serving their communities or engaging in commerce in a manner consistent with their conscience. For example, the *Obergefell* Respondents argued that deliberation over potential "legal adjustments" with respect to "balanc[ing] protections for religious liberty" warranted Ohio's refusal to recognize same-sex couples' marriages.[61] Others have argued that mandating marriage equality would trigger a wave of private civil litigation

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[60] *See* William P. Marshall, *Solving the Free Exercise Dilemma: Free Exercise as Expression*, 67 Minn. L. Rev. 545, 546-47 (1983) (arguing free exercise of religion bears directly on free speech, both having their proper public dimension, with Religion Clauses, together, offering "unitary protection for individual liberty").

[61] Br. of Appellant Himes, *supra* note 4, at 16.

under anti-discrimination laws and the penalization of religious people and institutions by state and local governments.[62]

But the types of disputes anticipated by these *amici* have more to do with existing civil rights laws barring discrimination based on sexual orientation, where such laws exist, than with any conflicts likely to arise based on marital status. The extent to which any religious institution or business is regulated as a public accommodation or an employer is determined by existing law. *Compare Elane Photography, LLC v. Willock*, 309 P.3d 53, 59 (N.M. 2013) (holding state prohibition against discrimination on basis of sexual orientation in public accommodations was not unconstitutionally applied to wedding photographer who objected, for religious and free speech reasons, to photographing same-sex couple's commitment ceremony), *cert. denied* 134 S. Ct. 1787 (Apr. 7, 2014), *with Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC et al.*, 132 S. Ct. 694, 707, 709 ("The purpose of the [ministerial] exception [to employment discrimination laws] is not to safeguard a church's decision to fire a minister only when it is made for a religious reason. The exception instead ensures that the authority to select and control who will minister to the faithful—a matter 'strictly ecclesiastical'—is the church's alone" (internal citation omitted)).

When religious institutions or religiously minded individuals act in a secular sphere, the balance between civil rights enforcement and First Amendment liberties may vary in particular cases. But such issues have nothing to do with the con-

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[62] Br. of The Becket Fund, *supra* note 4, at 12, 20-21.

stitutional right to marry and, in any event, are not presented for decision here.

### C. While *Amici* Respect All Fellow Faiths, Including Those That Embrace Different Religious Views On Marriage, It Is Constitutionally Impermissible To Impose Religious Views Through Civil Law To Curtail Civil Marriage Rights Of Same-Sex Couples

Since this nation's founding, the concept of religious liberty has included the equal treatment of all faiths without discrimination or preference. *See Larson*, 456 U.S. at 244 ("The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another."). Government action defining marriage rights on religious or quasi-religious grounds violates this principle by putting the force of law behind one set of religious views.

Several Respondent *amici* in the proceedings below have sought to cast these cases in avowedly religious terms that would wreak havoc with the Establishment Clause. For example, one group of *amici* "believe[s] that the Bible defines what constitutes sound doctrine, not the culture, gender, or personality," and urged a ruling by the court below that would show "support [for] the vote of 2.7 million citizens of Michigan who cast their vote and enacted the Michigan Marriage Amendment to secure the sanctity of the traditional family, *as it is defined by God in the Bible*."[63] But it would be plainly improper to

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[63] *See* Br. for Coalition of Black Pastors, *supra* note 3, at 1 (emphasis added).

enshrine such religious views in civil law. "Courts are not arbiters of scriptural interpretation" and "should not undertake to dissect religious beliefs." *Thomas v. Review Bd. of Indiana Employment Sec. Div.*, 450 U.S. 707, 715-16 (1981).

Other Respondent *amici* have insisted that their doctrinal opposition to marriage for same-sex couples is fueled not by animus towards gay people, but rather "[f]idelity to [r]eligious [b]eliefs" regarding "the personal, familial, and social virtues of traditional marriage."[64] But it is not the dimension of potential animus that renders these justifications irrelevant to determining the permissible scope of civil marriage rights. It is, rather, that these views are frankly *religious*—and, moreover, that they represent *particular* religious views among *others* that differ, as the foregoing overview of American religious views on marriage amply demonstrates. Any attempt to have this Court embrace specifically religious views or definitions of marriage must be rejected, among other reasons because that result would disfavor and disadvantage *other religious believers*, like *Amici* here.

By reversing the judgment of the court below without reliance on religiously based arguments, and by affirming the constitutional promise of equal treatment for different- and same-sex couples, this Court will ensure that civil law neither favors nor disfavors any particular religious viewpoint. Requiring equal treatment for different- and same-sex couples with respect to civil marriage will, in fact, reaffirm the religious

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[64] Br. of United States Conference of Catholic Bishops, *et al.*, *supra* note 6, at 7-8.

liberty fundamental to this nation's founding identity. When the freedom to marry is fully respected, *all* couples will have the right to a solemnized union before a justice of the peace, while all individual faith communities will retain the right to decide who among such couples may seek religious sanction of their union.

## CONCLUSION

For the foregoing reasons, *Amici* respectfully submit that the Court should reverse the judgments of the Court of Appeals holding that Michigan's, Kentucky's, Ohio's, and Tennessee's exclusions of same-sex couples from equal civil marriage rights is constitutional.

Respectfully submitted,

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# APPENDIX

# APPENDIX A: STATEMENTS OF INTEREST OF *AMICI CURIAE*

*Amicus curiae* the Rev. Gay Clark Jennings of Sagamore Hills, Ohio, is the President of the House of Deputies of The Episcopal Church. In that capacity, Jennings presides over a legislative chamber consisting of more than 800 elected clergy and lay leaders representing all dioceses of The Episcopal Church as part of its bicameral governing body, the General Convention. Jennings has represented the Diocese of Ohio in the General Convention for more than 24 years.

*Amici curiae* Bishops of The Episcopal Church in Kentucky, Michigan, Ohio, and Tennessee include The Rt. Rev. Terry Allen White, Eighth Bishop of Kentucky; The Rt. Rev. Douglas Hahn, Seventh Bishop of Lexington (Ky.); The Rt. Rev. Wendell N. Gibbs Jr., Tenth Bishop of Michigan; The Rt. Rev. Whayne M. Hougland Jr., Ninth Bishop of Western Michigan; The Rt. Rev. Rayford J. Ray, Eleventh Bishop of Northern Michigan; The Rt. Rev. Todd Ousley, Second Bishop of Eastern Michigan; The Rt. Rev. Mark Hollingsworth Jr., Eleventh Bishop of Ohio, and The Rt. Rev. David C. Bowman, The Rt. Rev. William D. Persell, and The Rt. Rev. Arthur B. Williams Jr., Assisting Bishops in the Diocese of Ohio; The Rt. Rev. Thomas E. Breidenthal, Ninth Bishop of Southern Ohio, The Rt. Rev. Kenneth L. Price Jr., Retired Bishop Suffragan in the Diocese of Southern Ohio, and The Rt. Rev. Bavi Edna Rivera, Assisting Bishop in the Diocese of Southern Ohio; The Rt. Rev. Don E. Johnson, Third Bishop of West Tennessee; and The Rt. Rev.

George D. Young III, Fourth Bishop of East Tennessee. These bishops, who are all members of the House of Bishops of the General Convention, have authorized the blessing of same-sex couples in Episcopal churches in their jurisdictions, including for couples who have already entered into civil marriages in other jurisdictions.

*Amicus curiae* General Synod of the United Church of Christ is the representative body of the this Protestant denomination of approximately 1.1 million members worshipping in approximately 5,100 local churches throughout the United States.

*Amicus curiae* The Jewish Theological Seminary ("JTS") is a preeminent institution of Jewish higher education that integrates rigorous academic scholarship and teaching with a commitment to strengthening Jewish tradition, Jewish lives, and Jewish communities. As the intellectual center of the Conservative Movement, JTS is committed to educating the public on Jewish perspectives regarding important social issues and providing an informed Jewish voice on those issues.

*Amicus curiae* Reconstructionist Rabbinical Association ("RRA"), established in 1974, is the professional association of Reconstructionist rabbis. Comprised of over 300 rabbis, the RRA represents the rabbinic voice within the Reconstructionist movement.

*Amicus curiae* Reconstructionist Rabbinical College and Jewish Reconstructionist Communities educates leaders, advances scholarship, and develops resources for contemporary Jewish life.

*Amicus curiae* Union for Reform Judaism, whose 900 congregations across North America *include* 1.3 million Reform Jews, is committed to ensuring equality for all of God's children, regardless of sexual orientation.

*Amicus curiae* Unitarian Universalist Association was founded in 1961 and has nurtured a heritage of providing a strong voice for social justice and liberal religion. Unitarian Universalism is a caring, open-minded faith community that traces its roots in North America back to the Pilgrims and the Puritans.

*Amicus curiae* United Synagogue of Conservative Judaism ("UCSJ") is the congregational arm of Conservative Judaism in North America. USCJ is committed to dynamic Judaism that is learned and passionate, authentic and pluralistic, joyful and accessible, egalitarian and traditional, and thereby seeks to create the conditions for a powerful and vibrant Jewish life for the individual members of its sacred communities.

*Amicus curiae* Affirmation represents lesbian, gay, bisexual, transgender, and queer concerns and their supporters in the United Methodist Community.

*Amicus curiae* Covenant Network of Presbyterians, a broad-based, national group of clergy and lay leaders, seeks to support the mission and unity of the Presbyterian Church (U.S.A.), articulate and act on the church's historic, progressive vision, work for a fully inclusive church, and find ways to live out the graciously hospitable gospel by living together with all our fellow members in the Presbyterian Church (U.S.A.).

*Amicus curiae* Friends for Lesbian, Gay, Bisexual, Transgender, and Queer Concerns ("FLGBTQC") is a faith community within the Religious Society of Friends (Quakers). FLGBTQC deeply honors, affirms, and upholds that of God in all people.

*Amicus curiae* Methodist Federation for Social Action mobilizes clergy and laity within The United Methodist Church to take action on issues of peace, poverty, and people's rights within the church, the nation, and the world.

*Amicus curiae* More Light Presbyterians represents lesbian, gay, bisexual, and transgender people in the life, ministry, and witness of the Presbyterian Church (U.S.A.) and in society.

*Amicus curiae* Muslims for Progressive Values is guided by the following ten principles, each of which is rooted in Islam: collective identity, equality, separation of religious and state authorities, freedom of speech, universal human rights, gender equality, LGBTQ inclusion, critical analysis and interpretation, compassion, and diversity.

*Amicus curiae* The Open and Affirming Coalition of the United Church of Christ represents 1,200 congregations in the UCC with nearly 250,000 members that, after a period of study, dialogue and prayer, have adopted a covenant of welcome to lesbian, gay, bisexual and transgender Christians. Open and Affirming churches support the relationships of their LGBT members, recognize their marriages, and advocate for their LGBT neighbors when their rights or dignity are under attack.

*Amicus curiae* Parity is a diverse community of countless individuals representing lesbian, gay,

bisexual, and transgender people in the Presbyterian Church (U.S.A.), through education, advocacy, and relationship building.

*Amicus curiae* Reconciling Ministries Network serves lesbian, gay, bisexual, and transgender United Methodists and their allies to transform their world into the full expression of Christ's inclusive love. Reconciling Ministries Network envisions a vibrant Wesleyan movement that is biblically and theologically centered in the full inclusion of God's children.

*Amicus curiae* ReconcilingWorks: Lutherans For Full Participation embodies, inspires, advocates and organizes for the acceptance and full participation of people of all sexual orientations and gender identities within the Lutheran communion, its ecumenical and global partners, and society at large.

*Amicus curiae* Religious Institute, Inc. is a multi-faith organization whose thousands of supporters include clergy and other religious leaders from more than 50 faith traditions. The Religious Institute partners with the leading mainstream and progressive religious institutions in the United States.

*Amici curiae* leaders of United States religious communities spanning a rich diversity of American faith traditions include: Scott Aaseng, Consulting Minister, Unitarian Universalist Association, First Unitarian Church of Hobart, Hobart, IN; Daayiee Abdullah, Imam, Muslim–Sunni, Mecca Institute, Washington, DC; Susan Abold, Rev. (Retired), United Methodist Church, Chaplain, South Austin Medical Center, Austin, TX; Ruth Abusch-Magder, Rabbi, Jewish–Reform,

Be'chol Lashon, San Francisco, CA; Manda Adams, Rev., United Church of Christ, United Church of Christ, Buffalo, NY; Tiffany Adams, Sr. Pastor, Kingdom Outreach Fellowship, Columbia, SC; Ruth Adar, Rabbi, Jewish–Reform, Lehrhaus Judaica, San Leandro, CA; Michael Adee, Dr., Presbyterian Church USA, Global Faith and Justice Project, Santa Fe, NM; Sara Adler, Rabbi, Jewish–Conservative, Hospital Chaplain, Ann Arbor, MI; Amitai Adler, Rabbi, Jewish, Temple B'nai Israel, Aurora, IL; Julie Adler, Rabbi, Jewish, Aitz Hayim Center for Jewish Living, Deerfield, IL; Daniel Adolphson, Associate Pastor, Disciples of Christ, Christian Church, First Christian Church (Disciples of Christ), Minneapolis, Minneapolis, MN; Julia Aegerter, Rev. Dr. (Retired), Unitarian Universalist Association, UU Church of Evansville IN, Evansville, IN; Jory Agate, Rev., Unitarian Universalist Association, Unitarian Universalist Association, Cambridge, MA; Timothy Ahrens, Sr. Minister, United Church of Christ, First Congregational Church, Columbus, OH; Aileen Aidnik, Rev., Episcopal Church, St. Francis Episcopal, Shingle Springs, CA; Mona Alfi, Rabbi, Jewish–Reform, Cong. B'nai Israel, Sacramento, CA; Susie Allen, Rev., United Church of Christ, Executive Soul, Boxborough, MA; Diana Allende, Rev., Unitarian Universalist Association, Auburn Unitarian Universalist Fellowship, Opelika, AL; Willie Allen-Faiela, Rector, Episcopal Church, St. Stephen's Episcopal Church, Miami, FL; Matt Alspaugh, Minister, Unitarian Universalist Association, Unitarian Universalist Church of Youngstown, Youngstown, OH; Jason Alspaugh, Rev., American Baptist Church, First Baptist Church of Dayton, Dayton, OH; Janice Altenburger,

Pastor, Lutheran–ELCA, Lutheran Church of Our Savior, Irwin, PA; Eileen Altman, Associate Pastor, United Church of Christ, First Congregational Church of Palo Alto, Palo Alto, CA; Renni Altman, Rabbi, Jewish–Reform, HUC-JIR, Great Neck, NY; Israel Alvaran, Rev. Dr., United Methodist Church, Reconciling Ministries Network, San Francisco, CA; Craig Amlin, Ordained Clergy, United Church of Christ, United Church of Christ, Camp Director, Indianapolis, IN; Vince Amlin, Associate Minister, United Church of Christ, United Church of Gainesville, Gainesville, FL; Kharma Amos, Associate Director of Formation and Leadership Development, Metropolitan Community Church, Metropolitan Community Churches, Tallahassee, FL; Rosemary Ananis, Bishop, Old Catholic Church, Province of the U.S., Diocese of New England, Wells, ME; Jane Anderson, Rev., United Church of Christ, United Church of Christ, Appleton, WI; Neal Anderson, Rev., Unitarian Universalist Association, Unitarian Universalist Fellowship of Northern Nevada, Reno, NV; Allan Anderson, Rev. (Retired), United Methodist Church, Pathways Counseling Associates, Inc., Lowell, MA; Cheryl Anderson, Pastor, United Church of Christ, First Congregational Church, UCC, Washington, CT; Rachel Anderson, Rev., Unitarian Universalist Association, Unitarian Universalist Minister, Berkeley, CA; Tawnya Anderson, Pastor, Presbyterian Church USA, Unity Presbyterian Church, Upper Marlboro, MD; Bobbi Anderson, Rev., Eagle's Wing Christian Church, Seymour, TN; Judith Anderson-Bauer, Rev., Lutheran–ELCA, Pastor, Duluth, MN; Susan Anderson-Smith, Rev., Episcopal Church, Imago Dei Middle School (Episcopal), Tucson, AZ; Lindsay Andreolli-

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Decatur, GA; Ed Heilman, Pastor, United Church of Christ, Park Congregational United Church of Christ, Toledo, OH; Kenneth Heintzelman, Sr. Minister, United Church of Christ, Shadow Rock United Church of Christ, Phoenix, AZ; Richard Edward Helmer, Rev. Br., Episcopal Church, Church of Our Savior, Mill Valley, CA; Rebecca Helton, Deacon, Disciples of Christ, Christian Church, Hillsville Christian Church, Galax, VA; Angela Henderson, Rev., Unitarian Universalist Association, First Unitarian Universalist Church of Houston, Houston, TX; Rev. Rich Hendricks, Pastor, Metropolitan Community Church, Metro Community Church of the Quad Cities, Davenport, IA; Pat Hendrickson, The Rev., Episcopal Church, Chaplain: Hillsides Pasadena, Thousand Oaks, CA; Lucas Hergert, Rev. Dr., Unitarian Universalist Association, Unitarian Universalist Church in Livermore, Livermore, CA; Patti Herndon, The Rev. (Retired), United Methodist Church, Minister, Rio Texas Conference, Austin, TX; Ronald A. Hersom, Rev., Unitarian Universalist Association, Florida Unitarian Universalist Minister's Association, Jacksonville, FL; Linda Herzer, Minister of Connection, Metropolitan Community Church, City of Light Metropolitan Community Church & Unity, Atlanta, GA; David Hett, Minister of Religious Life & Learning, United Methodist Church, First Community Church, Columbus, OH; Christiane Heyde, Rev., Unitarian Universalist Association, Sky Island UU Church, Tucson, AZ; Wakoh Shannon Hickey, Rev. Dr., Buddhist, Notre Dame of MD University, Johns Hopkins Bunting Meyerhoff Center, Baltimore, MD; Warren Hicks, Padre, Episcopal Church, Worcester Fellowship, Worcester, MA; Rev. Dr. James Higginbotham,

Associate Professor of Pastoral Care & Counseling, Disciples of Christ, Christian Church, Earlham School of Religion, Richmond, IN; Tim Higgins, Rector, Episcopal Church, St. Ann's Episcopal Church -Diocese of Maine, Gorham, ME; Scott Hill, Seminarian, United Church of Christ, Altadena Community Church, Los Angeles, CA; David Hill, Pastor, United Church of Christ, The First Church in Oberlin, United Church of Christ, Oberlin, OH; Anita Hill, Deputy Director, Lutheran–ELCA, ReconcilingWorks: Lutherans for Full Participation, Saint Paul, MN; Georgia Hillesland, Rev., United Church of Christ, Boynton Beach Congregational UCC, Boynton Beach, FL; Christine Hillman, Rev.. Unitarian Universalist Association, Unitarian Universalist Church of Olinda, Royal Oak, MI; JT Hills, Pastor, United Church of Christ, Evangelical United Church of Christ, Tell City, IN; Carol Hilton, Rev. (Retired), Unitarian Universalist Association, Minister Emerita Palomar U.U. Fellowship, Oceanside, CA; BK Hipsher, Rev. Dr., Metropolitan Community Church, Sunshine Cathedral, Arlington, MA; Lori Hlaban, The Rev., Unitarian Universalist Association, Unitarian Universalist Church West, Brookfield, WI; Kim Hoare, Rev., United Church of Christ, The Carpenter's Boat Shop, Pemaquid, ME; Lisa Hobbs, Rev., Christ the Cornerstone Church, St. Petersburg, FL; Phil Hobson, Minister, United Church of Christ, First Congregational Church, Charlotte, MI; Mark Hoelter, Rev., Unitarian Universalist Association, Member, All Souls Church, Unitarian, Washington, DC; Christopher Hofer, The Very Rev., Episcopal Church, Rector, St. Jude, Wantagh, NY; M. Lara Hoke, Rev., Unitarian Universalist Association, Unitarian Universalist

Congregation in Andover, Andover, MA; John C. Holbert, Rev. Dr. (Retired), United Methodist Church, Southern Methodist University, Dallas, TX; Keith Holder, Rev., Pulpit Held, Brooklyn, NY; Heather Leigh Holder-Bobo, Pastor, Presbyterian Church USA, Ogden Memorial, Chatham, NJ; Cheri Holdridge, Rev., United Methodist Church, The Village United Methodist/ United Church of Christ, Toledo, OH; Arthur Holland, Rev., United Methodist Church, Lafayette Street UMC, Shelby, NC; Juliana Holm, Pastor, United Church of Christ, Rebersburg Charge UCC, Vienna, VA; Charles Holm, Rev., Presbyterian Church USA, First Congregational Church (UCC), River Edge, NJ; Mark Holmerud, Bishop, Lutheran–ELCA, Sierra Pacific Synod, Evangelical Lutheran Church in America, Sacramento, CA; Candy Holmes, Rev., Metropolitan Community Church, Metropolitan Community Churches, Bowie, MD; Brad Holmes, Teacher, Cooperative Baptists, CBF Chaplain Endorsement, Gaffney, SC; Arthur Holt, Minister (Retired), Unity, Upward Bound Journal (a Unity Publishing Ministry), Ocala, FL; Kierstin Homblette, Rev., Unitarian Universalist Association, Beloved Community Ministries of Colorado, Denver, CO; Keith Homstad, Rev. (Retired), Lutheran–ELCA, ELCA Pastor, Northfield, MN; Jeff Hood, Rev. Dr., Southern Baptist, Cathedral of Hope United Church of Christ, Denton, TX; Cathy Hoop, Rev., Presbyterian Church USA, University Presbyterian Church, Tuscaloosa, AL; Gloria Hopewell, Rev. Dr., Episcopal Church, Grace Episcopal Church, Galena, IL; C. Lynn Hopkins, Minister, Unitarian Universalist Association, Unitarian Universalist Fellowship of Montgomery, Montgomery, CO; Lynn Hopkins, Minister, Unitarian Universalist

Association, Unitarian Universalist Fellowship of Montgomery, Montgomery, AL; Rev. Debra Hopkins, Pastor, New Life Christian Fellowship, Charlotte, NC; Ivan Horn, Rev. (Retired), United Church of Christ, Pastor of Friedens UCC, Hecker, IL; Laura Horton-Ludwig, Associate Minister, Unitarian Universalist Association, Unitarian Universalist Congregation of Fairfax, Reston, VA; Daniel Horwitz, Rabbi, Jewish–Conservative, Cong. Beth Yeshurun, Houston, TX; Josh Hosler, The Rev., Episcopal Church, St. Paul's Episcopal Church, Bellingham, WA; Elizabeth Hoster, Rector, Episcopal Church, Trinity Episcopal Church Toledo Ohio, Toledo, OH; David Houdeschell, Pastor (Retired), United Church of Christ, Eastern Ohio Association, UCC, Canton, OH; Renee House, Rev. Dr., Reformed Church in America, Old Dutch Church, Kingston, NY; Tim House, Rev., Unitarian Universalist Association, Foxborough Universalist Church, Upton, MA; Molly Housh Gordon, Minister, Unitarian Universalist Association, Unitarian Universalist Church, Columbia, MO; Rev. Shaman Jerome Howell, Shaman–Minister, Native American, International Assembly of Spiritual Healers and Earth Stewards Con., Fostoria, OH; Deborah Howland, Rev., United Church of Christ, Calvary Memorial UCC, Wauwatosa, WI; Karen Howland, Ruling Elder, Presbyterian Church USA, PCUSA, Trussville, AL; Timothy Hoyer, Pastor, Lutheran–ELCA, Gloria Dei Lutheran Church, Jamestown, NY; Barry Hubbard, Elder, Presbyterian Church USA, University Presbyterian Church, San Antonio, San Antonio, TX; Langdon Hubbard, Rev., Presbyterian Church USA, First Presbyterian Church, East Aurora, NY; Rosanna Hudgins, Iya Omo l'awo, Ifa/Orisa–West African

based Spiritual Tradition, Minneapolis, MN; Jo Hudson, Rev. Dr., United Church of Christ, Gathering Pastor, Extravagance United Church of Christ, Dallas, TX; Jo Hudson, Gathering Pastor, United Church of Christ, Extravagance United Church of Christ, Dallas, TX; Lacey Hudspeth, Rev., Episcopal Church, Episcopalian, Baltimore, MD; Elsie Huebner, Minister, Unity, Unity Community Church, Safety Harbor, FL; Ellen Huffman, Rev., Disciples of Christ, Christian Church, Fringe Community, Columbus, OH; Rosalind Hughes, Priest-in-Charge, Episcopal Church, Church of the Epiphany, Euclid, OH; Tracy L. Hughes, Rev. Dr., United Church of Christ, United Church of Christ, Tucson, AZ; Cynthia Huling Hummel, Rev. Dr. (Retired), Presbyterian Church USA, PCUSA, Elmira, NY; Daniel Hulseapple, Pastor (Retired), United Church of Christ, United Church of Christ, Middletown, NY; Alice Hunt, President, United Church of Christ, Chicago Theological Seminary, Chicago, IL; Alice Hupp, Senior Minister, Disciples of Christ, Christian Church, Park Place Christian Church, Wichita Falls, TX; Maggie Hurst, Rev., Alliance of Baptists, Alliance of Baptists, Pollocksville, NC; Julie Hutson, Pastor, Lutheran–ELCA, Luther Memorial Lutheran Church, Seattle, WA; Colleen Igle, Minister, United Methodist Church, King Avenue United Methodist Church, Columbus, OH; David Inglis, Associate Minister, United Church of Christ, First Congregational Church UCC, Crystal Lake, IL; Keith Inouye, Rev., United Methodist Church, Wesley United Methodist Church, San Jose, CA; Barbara Ireland, Rev., The Church Within, Hudson, MI; Rebecca Irwin-Diehl, Rev., American Baptist Church, Associate Minister, Second

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